

REMARKS

This application has been carefully reviewed in light of the Office Action dated January 5, 2007. Claims 59, 61, 66, 67, 68, 70, 75 and 76 remain pending in the application, with Claims 60, 62 to 65, 69 and 71 to 74 having been canceled. Claims 59, 66, 68 and 75 are the independent claims herein. Reconsideration and further examination are respectfully requested.

Claims 59, 62, 63, 65, 68, 71, 72 and 74 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 7,084,994 (Koppich), and Claims 60, 61, 64, 66, 67, 69, 70, 73, 75 and 76 were rejected under 35 U.S.C. § 103(a) over Koppich in view of Official Notice. The rejections are respectfully traversed and the Examiner is requested to withdraw the finality of the Office Action, enter this Amendment and issue a new action on the merits.

Applicants note that Koppich, by virtue of its July 20, 1999 U.S. filing date and its August 1, 2006 issue date, qualifies as prior art to the subject application, which has a U.S. filing date of March 28, 2001, only under 35 U.S.C. § 102(e). Additionally, Koppich is owned by Canon Kabushiki Kaisha as evidenced by a deed of assignment recorded in the Patent Office on October 1, 1999 at Reel 010280, Frame 0045. The subject application is also owned by Canon Kabushiki Kaisha as evidenced by a deed of assignment recorded in the Patent Office on June 7, 2001 at Reel 011870, Frame 0194. Both Koppich and the subject application were owned by, or subject to an obligation of common ownership to Canon Kabushiki Kaisha at the time of the invention. Therefore, under 35 U.S.C. § 103(c), Koppich should be removed as a reference against the subject application for the purposes of a rejection under § 103(a). Accordingly, the rejections of

independent Claims 66 and 75 under § 103(a) are traversed on this basis and the Examiner is requested to withdraw the § 103(a) rejections, withdraw the finality of the Office Action, and issue an new action on the merits.

With regard to the § 102 rejections of independent Claims 59 and 68, without conceding the correctness of those rejections, the claims have been amended to incorporate the features of Claims 60 and 69, respectively. The Office Action admits that Koppich fails to teach the features of Claims 60 and 69, but took Official Notice that such features are well known in the art. Inasmuch as Claims 60 and 69 were rejected under § 103(a) over Koppich, and since Koppich should be removed as a reference for the purposes of a rejection under § 103, the rejections are believed to be obviated. Nonetheless, the Official Notice is traversed since the Office Action merely makes a bald assertion that scheduling a time to turn on a television program to receive television-programming data is old and well known and therefore teaches the claimed reserving means/step of reserving an operation of a receiving means/step to receive data-broadcasting data at a predetermined time. However, the Office Action fails to cite any examples, or to provide any evidence of such prior art to support the assertion. Thus, the Official Notice is traversed.

In view of the foregoing amendments and remarks, independent Claims 59, 66, 68 and 75, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

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